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Summary record of the 49th meeting
Held at Headquarters, New York, on Wednesday, 26 May 2004, at 10 a.m.

Chairman: Mr. Kmoníček ..... (Czech Republic)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Kuznetsov

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The meeting was called to order at 10.05 a.m.

Agenda item 121: Programme budget for the biennium 2004-2005 (*continued*)

Estimates in respect of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council

1. **Mr. Sach** (Director of the Programme Planning and Budget Division), introducing the report of the Secretary-General on estimates in respect of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council (A/C.5/58/20/Add.1), said that the report contained the budget proposals for United Nations assistance to the Cameroon-Nigeria Mixed Commission for a seven-month period, from 1 June to 31 December 2004. The Mixed Commission had been established at the request of the Presidents of Cameroon and Nigeria to implement the decision of the International Court of Justice on the land and maritime boundary disputes between the two States. The initial resource requirements had been met, under an ad hoc arrangement, from extrabudgetary resources, but that arrangement had proven to be unsustainable.

2. The General Assembly had appropriated a total of $169,431,700 for special political missions for the biennium 2004-2005, of which the unallocated balance was currently $21,346,400. The resource requirements of $6,902,900 for the Mixed Commission did not necessitate any additional appropriation and could be charged against the unallocated balance of the provision for special political missions appropriated under section 3, Political affairs, of the programme budget for the biennium 2004-2005.

3. **Mr. Kuznetsov** (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that, in a letter dated 17 March 2004 (S/2004/298), the Secretary-General had informed the Security Council of the progress achieved since the establishment of the Cameroon-Nigeria Mixed Commission in implementing the ruling of the International Court of Justice. The Secretary-General had indicated that, to date, the activities of the United Nations team providing support to the Mixed Commission had been funded from extrabudgetary resources. The Advisory Committee had been informed that initial requirements had been met from the Trust Fund in Support of United Nations Peacemaking and Peacekeeping Activities. The Secretary-General had further indicated in his letter that, in view of the significant progress achieved so far and in order to ensure the successful completion of the implementation of the Court's ruling, it was vital to secure the funding needed to continue to support the Mixed Commission until the end of 2005. It was therefore his intention to seek such funding from the regular budget.

4. The Advisory Committee had been informed that a separate United Nations Trust Fund had been established for the specific purpose of financing the demarcation of the Cameroon-Nigeria boundary. To date, the Fund had received a total of $6,478,000 in contributions and pledges. A second fund-raising exercise would take place at the end of June 2004.

5. The requirements proposed in the Secretary-General's report reflected the fact that the initial activities were more in the form of confidence-building, whereas now the parties were gathering momentum towards the completion of the implementation of the Court's ruling by the end of 2005. The proposed requirements included the costs related to two military advisers and two military liaison officers ($189,700); the salaries and common staff costs for a staffing component of 15 international and six local staff ($1,013,500), as well as the costs related to 32 civilian observers to be deployed in the Lake Chad area, the land boundaries or the Bakassi peninsula ($2,848,000); and the services of consultants and experts in such areas as cartography, maritime boundaries and environmental issues ($308,300) and for translation and support of the work of the Mixed Commission ($246,000). The proposed requirements also included operational costs.

6. The Advisory Committee had received the Secretary-General's report on Monday 24 May, in English only, and its hearings with his representatives had been held on the same day. In view of the fact that the Fifth Committee's schedule required it to take up the matter on Wednesday, 26 May, less than 48 hours after the Advisory Committee had received the report, there had simply not been enough time to give the matter detailed consideration. The Advisory Committee was not satisfied with what appeared to be an increased frequency of last-minute submissions, especially since, in some cases, it had the impression

that delays could be avoided through proper planning by the Secretariat.

7. The Secretary-General's report had given rise to a number of questions that would require a detailed response and/or analysis, above all on whether charging the regular budget for all or part of the expenses of implementing a decision of the International Court of Justice would set a precedent and on the potential impact that such an action might have on the United Nations budget and on implementation of future decisions of the Court and other international legal bodies. There were also numerous questions on the proposed requirements, and including the staffing structure and composition of the Mixed Commission, level of posts and functions involved; the differences in the functions of the proposed 21 staff members and 32 civilian observers; further details on the requirements for consultants and experts; the possibility of savings in connection with the requirements proposed for transportation and air operations; an analysis of the use of resources from the Trust Fund for demarcation vis-á-vis the use of other resources; the involvement of regional entities, and cooperation from other United Nations offices; and the intensification of efforts to obtain voluntary contributions for the support of the Mixed Commission.

8. Although some of the information was being made available, there was currently not enough time, either in the Advisory Committee or the Fifth Committee, to properly consider it. The proposal should therefore be resubmitted, incorporating the responses to all of the requests for information or clarification made by the Advisory Committee and any additional requests made by the Fifth Committee.

9. Pending consideration of a new submission in early autumn, the Committee recommended that, instead of authorizing the Secretary-General to charge the amount of $6,902,900 against the unallocated balance of the provision for special political missions appropriated under section 3, Political affairs, of the programme budget for the biennium 2004-2005, commitment authority of up to $6,902,900 should be granted.

10. **Ms. Lock** (South Africa), speaking on behalf of the African Group, said that the issue under consideration namely, the peaceful resolution of the border dispute between Cameroon and Nigeria in a manner that ensured stability in the subregion, promoted sustainable economic development and guaranteed the security and welfare of the populations concerned, was very important not only to the African Group but to all Member States.

11. In an unprecedented move, the Heads of State of Cameroon and Nigeria, in anticipation of the ruling of the International Court of Justice and at the invitation of the Secretary-General, had made a commitment to respect and implement the Court's ruling. They had also agreed to establish an implementation mechanism, with the support of the United Nations, aimed at developing a number of confidence-building measures that would strengthen peace and security in the subregion. As a basis for moving forward, and for effective monitoring, both countries had requested the Secretary-General to use his good offices to establish a Mixed Commission chaired by his representative.

12. The African Group concurred with the Secretary-General's assessment that the progress made by the Mixed Commission since its first meeting was commendable. The Mixed Commission had assisted the parties in successfully completing the withdrawal and transfer of authority of the civil administration and the military and police forces in the economic, communications and energy areas. There was already in place a plan to construct modern highways connecting the southern part of Nigeria and Cameroon, and joint efforts to reclaim the Lake Chad basin, which had been reduced from 30,000 square metres to barely 3,000 square metres. To consolidate the withdrawal and transfer of authority in the Lake Chad area, the Mixed Commission had decided to establish an observer group there for a period of one year, composed of five members each from Nigeria and Cameroon, as well as five representatives from the United Nations.

13. The Group believed that, overall, the modest support of the United Nations had contributed significantly to the positive outcomes achieved thus far and should be encouraged. There was no doubt that with political will and exemplary leadership by all parties concerned, the dispute could be fully resolved. The United Nations spent large sums of money on peacekeeping operations in various countries, but in the case at hand, it had ample opportunity to assist in the peaceful resolution of a long-standing dispute for a relatively small sum of money. A quick and positive decision to support the Mixed Commission would help

the two countries concerned to stay the course of a conciliatory settlement.

14. The African Group therefore fully supported the Secretary-General's request and noted the Security Council's own support for the Secretary-General's handling of the matter. It also noted the comments of the Advisory Committee and stressed that the role of the United Nations, within the good offices of the Secretary-General, should not be impeded in order to ensure the successful completion of the work of the Mixed Commission.

15. **Ms. Taylor Roberts** (Jamaica) said that the establishment of the Cameroon-Nigeria Mixed Commission was not a routine event but an act that denoted faith in the multilateral process. Prior to the ruling of the International Court of Justice, the Presidents of both countries had met with the Secretary-General and had agreed to respect and implement the Court's ruling and to establish an implementation mechanism with the support of the United Nations. Subsequent to the ruling, both Presidents had renewed their commitment to renounce the use of force in their bilateral relations and to pursue peaceful means for the settlement of their boundary differences. Member States should encourage and support that process. Cameroon and Nigeria had demonstrated their faith in multilateral institutions and played leadership roles in international diplomacy. Her delegation hoped that the issue could serve as a model of best practices for the resolution of similar disputes.

16. Nevertheless, tensions had built up along the border between the two countries and to some extent still persisted. The successful completion of the withdrawal and transfer of authority of the civil administration and the military police forces in the Lake Chad area was therefore welcome. Many challenges still lay ahead, but she hoped that, with the tremendous political will displayed by both countries and the commendable diplomatic initiative of the Secretary-General, the support being provided by the United Nations and the resources committed by Member States would not be in vain. Member States should see their borders not as barriers to keep their neighbours out, but rather as gateways through which they could cooperate for the mutual benefit of their people.

17. **Ms. Stanley** (Ireland), speaking on behalf of the European Union, said that the Union fully recognized the utility of the work of the Cameroon-Nigeria Mixed Commission. A number of Member States had contributed to the Trust Fund to finance the activities of the Mixed Commission. She expressed concern, however, at the very late submission of the Secretary-General's report to the Fifth Committee and the Advisory Committee, especially given that the issue had been before the Security Council in March 2004. The European Union was also concerned about the precedent of using regular budget funds to cover the expenses of decisions made by the International Court of Justice, especially in the light of the number of judgments that it handed down each year. Lastly, more information was needed on the Trust Fund that had been used to support the Mixed Commission.

18. **Mr. Elji** (Syrian Arab Republic) said that his delegation associated itself with the statement made by the representative of South Africa on behalf of the African Group. Providing support for the Cameroon-Nigeria Mixed Commission would improve stability, development and welfare in the region concerned. His delegation valued United Nations support for the peaceful settlement of disputes all over the world, but particularly in Africa. The General Assembly should follow up the issue of assisting the efforts of the Mixed Commission and promoting a peaceful solution to the border dispute within the framework of the good offices of the Secretary-General.

19. **Mr. Tidjani** (Cameroon) said he trusted that the Committee would give wholehearted support to the proposals of the Secretary-General and thereby contribute to preventive diplomacy, which the United Nations held in high regard. It would also be promoting peacekeeping, not by approving expenditure on peacekeeping missions, but by providing the Secretary-General with the resources to help two countries with fraternal and friendly ties to implement the ruling of the International Court of Justice. Before the ruling had been delivered, Cameroon and Nigeria had agreed to abide by it. They had then agreed to meet within the Mixed Commission in order to achieve its implementation. Support for the efforts of the Secretary-General would promote stability and development in the region in question. Cameroon therefore hoped that, notwithstanding the concerns expressed, the Committee would support the proposals of the Secretary-General.

20. **Ms. Attwooll** (United States of America) said that her delegation welcomed the Mixed Commission's

progress and hoped that it would resolve the border issue successfully. She, however, regretted the late submission of the report. Although the matter had been brought to the Organization's attention several months previously, the Fifth Committee was only being given the opportunity to consider it in its last week of work. Her delegation hoped that informal consultations would be possible, as it would like further information on whether financial assistance to implement the rulings of the International Court of Justice might constitute a precedent and on the mandate given by the Security Council.

21. **Ms. Goicochea** (Cuba) said that her delegation associated itself with the statement made by the representative of South Africa on behalf of the African Group and the statements made by the representatives of Cameroon, Jamaica and the Syrian Arab Republic. While she agreed that the Mixed Commission should be given the resources it needed, she shared the concern at the very late submission of the report, which affected the ability of the Committee to consider the matter in detail, and echoed the regret of the Chairman of the Advisory Committee at the tendency to submit budget proposals at very short notice, which interfered with proper decision-making.

22. **Mr. Dutton** (Australia) said that his delegation rarely complained about the late submission of documents, but the Committee would have no time to consider in detail the report now under consideration and his own Government would not have time to complete its usual internal processes. The letter from the President of the Security Council to the Secretary-General had been dated 15 April 2004 and the Committee could have been briefed on the matter in the meantime, even if the report itself had not been available.

23. **Ms. Udo** (Nigeria) thanked the Secretary-General for his personal backing for the process to implement peacefully the ruling of the International Court of Justice on the land and maritime boundary between Nigeria and Cameroon, a matter which was much more sensitive than many others that had erupted into conflict. In a recent meeting with her Government, a representative of the Government of Ireland had described the process as a "model approach to conflict resolution".

24. Nigeria abhorred war and believed in eliminating the root causes of conflict. For that reason, it had become involved in bringing peace to Liberia and Sierra Leone, paying a financial and human price for its participation, and continued to take part in peacekeeping missions around the world.

25. She hoped that the Fifth Committee would lend its full support to the efforts of the Secretary-General to assist the Mixed Commission, but shared the concern expressed by a number of delegations and by the Chairman of the Advisory Committee at the late submission of the relevant documents.

26. **Mr. Kramer** (Canada) said that his delegation continued to support strongly the work of the Mixed Commission, which was a good example of successful United Nations crisis prevention. His delegation nevertheless shared the concern of other delegations and the Chairman of the Advisory Committee at the procedure being followed and the timing of the discussion of the matter. The Committee needed complete information in order to discharge its responsibilities and he hoped that clarification would be provided in informal consultations.

27. **Mr. Kozaki** (Japan) said that his delegation commended the Mixed Commission but was concerned at the substance and timing of the documentation on the matter, especially since the President of the Security Council had communicated with the Secretary-General about it on 15 April 2004.

28. **Ms. Lock** (South Africa) said that, while sharing the concerns over the late submission of documents, her delegation trusted that the Committee would still take action on the matter and be as flexible as possible. It hoped that sufficient time would be allocated for its discussion and that the Secretariat would provide answers to the delegations' questions.

29. **Mr. Sach** (Director of the Programme Planning and Budget Division) said that he understood the Committee's concerns at being obliged to absorb a great deal of information in a very short time. Although the attention of the Security Council had been drawn to the matter of the Mixed Commission in mid-March, it had not taken further action until mid-April. The Department of Peacekeeping Operations, the Department of Political Affairs, the United Nations offices in West Africa and the Office of Programme Planning, Budget and Accounts had then immediately held consultations with a view to developing a budget proposal for submission to the Fifth Committee.

30. The budget proposal had been received only on 6 May and had then required further analysis, mainly in order to draw the necessary distinction between desirable requirements and essential requirements. The proposed sum of $6,902,900 was the result of that analysis and was lower than the original request of the departments involved.

31. With a view to bringing the matter before the Fifth Committee, the Secretariat had transmitted the necessary documentation to the Advisory Committee on Friday, 21 May. The Advisory Committee had held a three-hour hearing on the matter and had asked questions to which the Secretariat had faxed 19 pages of answers on the evening of Monday, 24 May. The Secretariat would be pleased to make that information available at the Fifth Committee's informal consultations.

32. If the Secretariat had not decided to expedite handling of the matter so that the Fifth Committee could take it up, the only other option would have been to use the procedure that applied when the Fifth Committee was not in session, namely, consideration by the Advisory Committee alone. The Secretariat had preferred to approach the Fifth Committee and hoped that it would take account of the proposals contained in the report on the Mixed Commission.

33. With regard to the use of Trust Fund resources, the political aspects of the Mixed Commission's activities in 2003, prior to the mandate from the Security Council, had been financed from the Trust Fund in Support of the United Nations Peacemaking and Peacekeeping Activities. The technical aspects of the Mixed Commission's activities, including boundary demarcation, had been financed from the United Nations Trust Fund for Preventive Action, to which Cameroon and Nigeria had contributed $4,250,000 and Cameroon and the European Union had pledged an additional $2,228,000. The proposal to provide financing from the regular budget of the United Nations related only to the political aspects of the Mixed Commission's activities and not to the technical activities.

34. With regard to the question from the Advisory Committee and the representatives of the Member States on whether a decision in favour of financial assistance in the current case would establish a precedent, that was a matter for the Security Council to decide in the context of support for particular International Court of Justice rulings rather than for the General Assembly to decide in the context of financial discussions. The role of the General Assembly in the current case was to decide how to finance a decision already made by the Security Council. He also took the view that action to support the peaceful settlement of disputes was a good precedent and much less costly than paying for peacekeeping operations in the aftermath of a dispute that had erupted into conflict.

The meeting rose at 11 a.m.